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10/763,580	01/23/2004	John Carney	4572P023	7727
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
			EXAMINER	
			PARRA, OMAR S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/763,580	Applicant(s) CARNEY ET AL.	
	Examiner Omar Parra	Art Unit 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-13,15-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13,15-23,25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Acknowledgement is made of amendment to the specification as submitted on 04/11/2007.

#### ***Response to Arguments***

2. Applicant's arguments filed on 04/11/2007 with regards to claims 3, 14 and 24 have been fully considered but they are not persuasive.

In response to applicant's argument (Page 7, 3<sup>rd</sup> ¶) stating that Begeja (Pub. No. US 2003/0030752) does not provide list of VOD clip parameters, the examiner respectfully disagrees.

In regards to claims 3,14 and 24, Begeja teaches providing a list of one or more VOD clip parameters (Buttons 520-580, Fig. 5), each of the VOD clip parameters pertaining to a subset of the one or more VOD clips (505, Fig.5) corresponding to a VOD clip category (515, Fig. 5). As construed by the examiner, Buttons 520-580 "limit or put boundaries" (Parameter definition on Dictionary.com) on the presentation of the subset of the VOD clips, which pertain or correspond to the VOD clip category (ies) selected before the creation of the clips. Something (in this case, buttons 520-580, Fig. 5) that has the ability of limiting the way a clip or clips is/are going to be presented or manipulated- i.e. selecting not to play clips of a category by either un-checking a clip or by not selecting "All" at 520, Fig.5-, receives the characteristic of being a parameter of the presentation of the clips, and consequently a parameter of the clip/clips itself. These buttons, as shown if Fig. 5, are listed or displayed on the presentation page.

Therefore, the examiner respectfully believes that Begeja's teachings cover all the limitations of applicant's invention as claimed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1,2, 4-13, 15-23 and 25-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Begeja et al. (hereinafter 'Begeja', Pub. No. US 2003/0030752).

Regarding **claim 1**, Begeja teaches a method comprising:

providing a list or lists of one or more video-on-demand (VOD) ([0031] paragraph lines 1-2) clip categories each VOD clip category containing one or more corresponding VOD clips (paragraph [0059] lines 9-10 or see 405, Fig.4);

providing a list of one or more VOD clip parameters (Buttons 520-580, Fig. 5), each of the VOD clip parameters pertaining to a subset of the one or more VOD clips (505, Fig.5) corresponding to a VOD clip category (515, Fig. 5)

receiving user input , the user input specifying at least one VOD clip category ([0059] lines 10-12) ;and

automatically creating a composite VOD clip ([0025] paragraph lines 1-3) based upon the specified at least one VOD clip category (515, Fig.5-topic "Politics" was chosen); wherein the composite VOD clip consists of each of the one or more corresponding VOD clips of each specified VOD clip category (505, Fig. 5-clips pertaining to "Politics" topic).

Regarding **claim 2**, Begeja teaches a method comprising:

presenting the composite VOD clip to a user to effect a passive viewing experience ([0053] lines 19-20).

Regarding **claim 4**, Begeja teaches a method comprising:

receiving further user input, the further user input specifying at least one of the one or more VOD clip parameters ( [0066] paragraph lines 9-10), wherein the composite VOD clip consists of the subset of the one or more VOD clips (505, Fig.5) corresponding to the selected VOD clip parameters in each specified VOD clip category (565, Fig.5).

Regarding **claim 5**, Begeja teaches a method wherein the one or more VOD clip parameters includes a VOD clip parameter selected from the group consisting of a random selection parameter (420, Fig.4, "Play all clips" without knowing what's going to play is a random selection), a maximum number

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parameter, a maximum time parameter (505, Fig.5, by checking the check boxes users are able to choose the maximum time and maximum number of clips for his composite video clip), and a sequential parameter ([0065] lines 2-4).

Regarding **claim 6**, Begeja et al teaches a method wherein the composite VOD clip is automatically regenerated ([0026] lines 7-10) upon user request ("instant search", [0058], paragraph-line 2) or according to an externally specified schedule ("...on a periodic basis..."[0026], line 9).

Regarding **claim 7**, Begeja teaches a method wherein the one or more corresponding VOD clips made available prior to a specified time (405, Fig.4, videos are available prior user's selection) are removed ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics") from the composite VOD clip (505, Fig.5).

Regarding **claim 8**, Begeja et al teaches a method wherein the one or more corresponding VOD clips previously presented to a particular user (405, Fig.4, videos are presented to the user for selection) are removed ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics") from the user's composite VOD clip (505, Fig.5).

Regarding **claim 9**, Begeja teaches a method wherein one or more additional VOD clips are included as component VOD clips of the composite

VOD clip ("The user can add a new topic using button 425, Fig.4" [0062] paragraph line 3, which inherently would add more clips to the composite video).

Regarding **claim 10**, Begeja et al teaches a method wherein the one or more additional VOD clips is a VOD clip selected from the group consisting of advertising VOD clips ( [0057] lines 19-21), promotional VOD clips pertaining to VOD content unrelated to the composite VOD clip ("Additional marketing and advertising (such as a commercial...)", [0057] paragraph lines 19-20), and promotional VOD clips pertaining to VOD content related to the composite VOD clip ("Relevant information that might be embedded into a media stream being delivered...might include...information about the subject matter of the stream or related thereto, such as advertising...", [0087] paragraph lines 1-4).

Regarding **claim 11**, Begeja et al teaches a method wherein one or more additional graphical or data contents, including content tickers, graphical ads or promotional contents unrelated to the composite VOD clip, and content tickers, graphical ads or promotional contents related to the composite VOD clip ([0087] paragraph lines 5-7 or also, 555, Fig.5) are added alongside or partially overlay the composite VOD clip.

Regarding **claim 12**, Begeja teaches having a machine-readable medium having stored thereon executable instructions which when executed by a processor cause a method to be performed ("DVL/eClips Server" or "PC or Set

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Top” memory units where eClips software runs, see Fig.3), the method comprising:

providing a list or lists of one or more video-on-demand (VOD) (“the present invention allows improved video-on-demand (VOD)”, [0031] paragraph lines 1-2) clip categories each VOD clip category containing one or more corresponding VOD clips ([0059] lines 9-10 or see 405, Fig.4);

providing a list of one or more VOD clip parameters (Buttons 520-580, Fig. 5), each of the VOD clip parameters pertaining to a subset of the one or more VOD clips (505, Fig.5) corresponding to a VOD clip category (515, Fig. 5)

receiving user input , the user input specifying at least one VOD clip category ([0059] paragraph 10-12 –the 405 refers to Fig. 4) ;and

automatically creating a composite VOD clip ([0025] lines 1-3) based upon the specified at least one VOD clip category (515, Fig.5-topic “Politics” was chosen); wherein the composite VOD clip consists of each of the one or more corresponding VOD clips of each specified VOD clip category (505, Fig. 5-clips pertaining to “Politics” topic).

Regarding **claim 13**, Begeja teaches a method comprising:

presenting the composite VOD clip to a user to effect a passive viewing experience ([0053] lines 19-20).

Regarding **claim 15**, Begeja teaches a method further comprising:



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receiving further user input, the further user input specifying at least one of the one or more VOD clip parameters ("With buttons 560 and 565,"-referring to Fig.5- "a user may clear or select all of the clips being shown within a particular topic.", [0066] paragraph lines 9-10), wherein the composite VOD clip consists of the subset of the one or more VOD clips (505, Fig.5) corresponding to the selected VOD clip parameters in each specified VOD clip category (565, Fig.5).

Regarding **claim 16**, Begeja teaches a method wherein the one or more VOD clip parameters includes a VOD clip parameter selected from the group consisting of a random selection parameter (420, Fig.4, "Play all clips" without knowing what's going to play is a random selection), a maximum number parameter, a maximum time parameter (505, Fig.5, by checking the check boxes users choose the maximum time and maximum number of clips for their composite video clip), and a sequential parameter ("...page 500 will play all the clips in a predetermined order (e.g. reverse chronological order, by source of content, etc", [0065] lines 2-4).

Regarding **claim 17**, Begeja teaches having the composite VOD clip is automatically regenerated ( [0026] lines 7-10) upon user request ("instant search", [0058], paragraph-line 2) or according to an externally specified schedule ("...on a periodic basis...", paragraph [0026] line 9).

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Regarding **claim 18**, Begeja teaches having the one or more corresponding VOD clips made available prior to a specified time (405, Fig.4, videos are available prior user's selection) are removed ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics") from the composite VOD clip (505, Fig.5).

Regarding **claim 19**, Begeja teaches having the one or more corresponding VOD clips previously presented to a particular user (405, Fig.4, videos are presented to the user for selection) are removed ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics") from the user's composite VOD clip (505, Fig.5).

Regarding **claim 20**, Begeja teaches having one or more additional VOD clips are included as component VOD clips of the composite VOD clip ("The user can add a new topic using button 425, Fig.4" [0062] paragraph-line 3, which, according to the invention, inherently would add more clips to the composite video).

Regarding **claim 21**, Begeja teaches having the one or more additional VOD clips is a VOD clip selected from the group consisting of advertising VOD clips ( [0057] lines 19-21), promotional VOD clips pertaining to VOD content unrelated to the composite VOD clip ([0057] lines 19-20), and promotional VOD

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clips pertaining to VOD content related to the composite VOD clip ( [0087] paragraph lines 1-4).

Regarding **claim 22**, Begeja teaches a system comprising:

a server ("Video Server", 220 Fig.2, or "Video Storage", 210 Fig.2, if more storage is needed) storing VOD content ([0031] lines 1-2), the VOD content including a plurality of VOD clip categories ([0051] lines 3-4), each VOD clip category containing one or more corresponding VOD clips ([0051] lines 4-5); and

a set top box (370, Fig.3) coupled to the server (220, Fig.3), the set top box storing an application ([0058] lines 4-5 or [0015] paragraph-lines 2-5 of incorporated by reference application ,Begeja Pub. No. 2003/0163815), the application including a VOD clip category selection functionality ([0054] lines 3-4. Having a list of topics determined by a profile implies that there was a functionality that lets to choose the topics at the creation of the profile) that enables a user to access the plurality of VOD clip categories and select one or more VOD clip categories, ([0051] lines 3-4), a VOD clip parameter selection functionality (Buttons, Drop-down menus and check boxes, Fig. 4-5) that allows a user to select one or more VOD clip parameters ([0066] lines 9-10), each of the VOD clip parameters pertaining to a subset of the one or more VOD clips (505, Fig.5) corresponding to a VOD clip category (565, Fig.5) such that the created composite VOD clip consists of the subset of the one or more VOD clips corresponding to each selected VOD clip category ("When one or more of these clips (referring to clips in 505, Fig.5) is chosen for viewing by the user, that clip is

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shown in section 510" (Fig.5, playing area of the composite video) [0064] lines 1-2); and a VOD clip composite functionality that automatically creates a composite VOD clip ([0028] ¶ lines 1-3) wherein the composite VOD clip consists of each of the one or more corresponding VOD clips of each selected VOD clip category ([0059] lines 9-10 or see 405, Fig.4);

Regarding **claim 23**, Begeja teaches a system further comprising:

a display screen (380, Fig.3) for presenting the composite VOD clip to the user to effect a passive viewing experience.

Regarding **claim 25**, Begeja teaches a system wherein the one or more VOD clip parameters includes a VOD clip parameter selected from the group consisting of a random selection parameter (420, Fig.4, "Play all clips" without knowing what's going to play is a random selection), a maximum number parameter, a maximum time parameter (505, Fig.5, by checking the check boxes users choose the maximum time and maximum number of clips for their composite video clip), and a sequential parameter ([0065] lines 2-4).

Regarding **claim 26**, Begeja teaches having a system wherein the composite VOD clip is automatically regenerated ([0026] paragraph-lines 7-10) upon user request ("instant search", [0058], line 2) or according to an externally specified schedule ("...on a periodic basis...", paragraph [0026] line 9).

Regarding **claim 27**, Begeja teaches having a system the one or more corresponding VOD clips made available prior to a specified time (405, Fig.4, videos are available prior user's selection) are removed ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics") from the composite VOD clip (505, Fig.5).

Regarding **claim 28**, Begeja teaches having a system wherein the one or more corresponding VOD clips previously presented (405, Fig.4, videos are presented to the user for selection) to a particular user are removed ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics") from the user's composite VOD clip (505, Fig.5).

Regarding **claim 29**, 22, Begeja teaches having a system wherein one or more additional VOD clips are included as component VOD clips of the composite VOD clip ("The user can add a new topic using button 425, Fig.4" [0062] paragraph-line 3, which inherently would add more clips to the composite video).

Regarding **claim 30**, Begeja teaches having a system wherein the one or more additional VOD clips is a VOD clip selected from the group consisting of advertising VOD clips ( [0057] lines 19-21), promotional VOD clips pertaining to VOD content unrelated to the composite VOD clip [0057] lines 19-20), and promotional VOD clips pertaining to VOD content related to the composite VOD clip ([0087] paragraph lines 1-4).

Claims 3, 14 and 24 were cancelled by applicant.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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